

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA)
)
)
v.) **CR. NO. 2:05-CR-213-MEF**
)
JERRY WAYNE CULVER)

MOTION FOR LEAVE TO DISMISS INDICTMENT

Comes now the United States of America by and through its Attorney for the Middle District of Alabama, Leura G. Canary, and moves this Court for leave to dismiss the Indictment heretofore filed in the above-styled cause as to Jerry Wayne Culver on the following grounds:

1. The Federal Bureau of Prison determined that the defendant is not competent to continue to trial or through the judicial process, pursuant to Title 18, USC, § 4241, 4246, and 4247;
2. The Federal Bureau of Prison determined that the defendant would not be able to be restored to competency, pursuant to Title 18, USC, § 4241,4246, and 4247; and,
3. In the interest of justice.

Respectfully submitted this the 11th day of May, 2007.

Respectfully submitted,

LEURA G. CANARY
UNITED STATES ATTORNEY

/s/ Susan R. Redmond
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CERTIFICATE OF SERVICE

I hereby certify that on May 11, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:
Donnie Bethel.

Respectfully submitted,

**LEURA G. CANARY
UNITED STATES ATTORNEY**

/s/ Susan R. Redmond
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